

# News from Ed Markey

United States Congress

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## DOT TAKES ENFORCEMENT ACTION AGAINST DISTRIGAS LNG FACILITY

### MARKEY: SECURITY GAPS AT EVERETT FACILITY UNDERScore NEED FOR LEGISLATION

WASHINGTON, D.C. --

Representative Edward J. Markey (D-MA) today welcomed an announcement by the Department of Transportation (DOT) that it was imposing a \$220,000 civil fine on the Distrigas Liquefied Natural Gas (LNG) facility in Everett, Massachusetts for violations of DOT security requirements and safety rules.

"As the only LNG terminal located in the heart of a major metropolitan area, the Everett Distrigas facility is unique, and it clearly could be an attractive terrorist target if not properly secured," said Rep. Markey.

Rep. Markey explained, "I've been concerned for months that security at this facility is inadequate, and that is why last week I attached an amendment to the pipeline safety bill to direct the Secretary of Transportation to issue new regulations to strengthen security at this facility. Today's announcement only underscores the need to tougher regulations to protect this type of facility from potential terrorists."

The security violations cited by DOT involved a failure to properly train Distrigas employees on proper security procedures. During a March 19, 2002 hearing of the House Energy and Commerce Committee's Subcommittee on Energy and Air Quality, Rep. Markey asked DOT a series of detailed questions about security lapses at the Distrigas facility.

In response to Rep. Markey's questions, Ms. Ellen G. Engleman, Administrator of the Research and Special Programs Administration (RSPA) of the Department, acknowledged that following September 11th, "we have not enhanced the security requirements [for LNG facilities] in a regulatory fashion." Ms. Engleman indicated that the Department was considering "new protocols" in this area, but was unable to give Markey a specific date for when they would be issued. In a post-hearing response submitted following the March 19, 2002 hearing, DOT also reported that:

"On November 26-30, OPS [Office of Pipeline Safety] staff conducted an inspection of the Distrigas LNG plant and reviewed operations and maintenance procedures. New Security procedures for the LNG plant were verified to be in place. During this inspection the RSPA/OPS inspector noted that contract security guards needed additional training regarding existing Distrigas security procedures. Distrigas reported to RSPA/OPS, in a letter dated December 5, that this security training was conducted by December 1, 2002. These security-training records were reviewed by RSPA/OPS with an onsite inspection on April 11, 2002. RSPA/OPS is currently developing the appropriate correspondence to be issued to Distrigas as a result of the November 2001 and April 2002 inspections."

In the press release announcing today's enforcement action, the DOT reported, "Inspectors found Distrigas had failed to train their contract security personnel in security procedures established prior to Sept. 11, 2001. Moreover, a follow-up inspection found that even as late as April 2002, not all contract security employees had been trained in security procedures."

Last week, Rep. Markey, a senior Democratic Member of the House Energy and Commerce Committee, succeeded in attaching an amendment mandating heightened security standards for LNG terminals like the Distrigas facility to a pending pipeline safety bill (H.R. 3608) being considered by the Committee. The pipeline safety bill was approved by the Energy and Commerce Committee on Thursday and is currently awaiting House floor action. Rep. Markey's amendment directs the Secretary of Transportation to issue new rules to provide for effective security measures at LNG facilities located in densely populated urban areas and to periodically test the security personnel at these facilities for compliance with such rules.

Markey concluded, "With today's action, the Transportation Department essentially has said that Distrigas has flunked what is basically an elementary school-level security test. However, what they may really need to be prepared for is a college level exam. We need to upgrade the security standards affecting this type of facility, so that we can get access to the LNG needed to provide energy for our region, while also protecting our communities from a terrorist action that could threaten public safety."

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